

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Liliana Carolina Yanes, *individually and on behalf of all others* X Case No. 23-cv-09454-JMA-AYS
similarly situated,

Plaintiffs,
-against-

Nilkhant 2 Car Wash, LLC d/b/a Bethpage Car Wash,
Rakeshbhai Patel, Darpan Patel and Ronak Patel,

Defendants.

**STIPULATION TO VACATE
DEFAULT OF DEFENDANTS
AND EXTEND CERTAIN
DEADLINES**

Nilkhant 2 Car Wash, LLC d/b/a Bethpage Car Wash,
Rakeshbhai Patel, Darpan Patel and Ronak Patel,

Defendants.

X

WHEREAS, Plaintiff filed her Complaint in this action on December 26, 2023 (ECF No. 1) against Defendants; and

WHEREAS, Defendants were all served with the Summons and Complaint on January 10, 2024 (ECF Nos. 6-12); and

WHEREAS, Defendants were required to answer the complaint or move with respect thereto on or before January 29, 2024; and

WHEREAS, Defendants failed to answer the complaint or otherwise appear and on February 23, 2024, the Clerk of Court issued a Certificate of Default (ECF No. 14) against all Defendants, which noted the defaults of all Defendants; and

WHEREAS, on March 5, 2024, Defendants appeared in this action by their undersigned counsel (Doc. No. 15); and

WHEREAS, Defendants seek to have the Certificate of Default issued against them vacated; and

WHEREAS, Plaintiff consents to Defendants' request to vacate the Certificate of Default as against Defendants and to permit them to answer; and

WHEREAS, Plaintiff seeks an order tolling the statute of limitations in order to avoid the

need to immediately file a motion for conditional certification and court authorized notice pursuant to 29 U.S.C. § 216.

NOW, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants that:

1. Plaintiff consents to vacate the Certificate of Default entered on February 24, 2024 against all Defendants;
2. Defendants shall answer the Complaint not later than February by February 22, 2024;
3. Defendants shall not assert any defense based on improper service of process.
4. Plaintiffs shall not file a motion for conditional certification and court authorized notice pursuant to 29 U.S.C. § 216 before May 17, 2024.
5. The statute of limitations with respect to any individual who elects to opt-into this action under 29 U.S.C. § 216 shall be tolled for the time period from the date of commencement of this action until May 17, 2024.

MOSER LAW FIRM, P.C.

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